

FILED

Case 1:07-cv-006100

Document 7

Filed 11/05/2007

Page 1 of 8

NOVEMBER 5, 2007

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

JH

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

RECEIVED

OCT 28 2007
OCT 29, 2007
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

Larry Martin

(Enter above the full name
of the plaintiff or plaintiffs in
this action)

vs.

Officer Moss
and my John Doe
officers and States
Attorney.

07CV6100
JUDGE DARRAH
MAG. JUDGE NOLAN

Case No: _____
(To be supplied by the Clerk of this Court)

(Enter above the full name of ALL
defendants in this action. Do not
use "et al.")

CHECK ONE ONLY:

☒

COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983
U.S. Code (state, county, or municipal defendants)

COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE
28 SECTION 1331 U.S. Code (federal defendants)

OTHER (cite statute, if known)

**BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR
FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.**

I. Plaintiff(s):

- A. Name: Larry Martin
- B. List all aliases: _____
- C. Prisoner identification number: 2006-007-5305
- D. Place of present confinement: Cook County Dep. of correction
- E. Address: P.O. Box 889002 - Chicago, IL 60608

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: Mr. Moss
 Title: Police Officer Badge No. #10791
 Place of Employment: 7101 S. Cottage Grove, Chicago, IL 60629
- B. Defendant: John Doe
 Title: Officer
 Place of Employment: 7101 S. Cottage Grove, Chicago, IL 60629
- C. Defendant: State's Attorney - John Doe
 Title: State's Attorney
 Place of Employment: 2650 S. Calumet, Chicago, IL 60608

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

III. Exhaustion of Administrative Remedies

You are required to exhaust all your available administrative remedies before bringing an action in federal court.

A. Is there a grievance procedure available at your institution?

YES () NO (☒) If there is no grievance procedure, skip to F.

B. Have you filed a grievance concerning the facts in this complaint?

YES () NO (☒)

C. If your answer is YES:

1. What steps did you take?

No Grievance can be filed

2. What was the result?

3. If the grievance was not resolved to your satisfaction, did you appeal? What was the result (if there was no procedure for appeal, so state.)

D. If your answer is NO, explain why not:

- E. Is the grievance procedure now completed? YES () NO ()
- F. If there is no grievance procedure in the institution, did you complain to authorities? YES () NO (✓)

G. If your answer is YES:

1. What steps did you take?

2. What was the result?

H. If your answer is NO, explain why not:

I'm still lock-up on a pending charge

IV. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court (including the Central and Southern Districts of Illinois):

- A. Name of case and docket number: Section 1983 07-C-0766
- B. Approximate date of filing lawsuit: 12-6-06
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: Larry Martin
- D. List all defendants: Mr. Turner and Mrs. Ms. Donna
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): Northern District
- F. Name of judge to whom case was assigned: Judge Pallmeyer
- G. Basic claim made: Food Poisoning
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): Still pending
- I. Approximate date of disposition: Pending

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

V. Statement of Claim:

State here as briefly as possible the facts of your case. Describe precisely how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

Malicious Prosecution; ON Feb. 17, 2006 I was arrested for Possession of a Controlled Substance on March 9, 2006, this case was found with Nolle Prosequi, without leave to "Reinstate" in which I stated incarcerated for 21 days until this case was dismissed for or Nolle Prosequi, ON March 23 or around, this case where Reinstated UNDER case No. 06-CR-7547-03, ON April 13, 06 I was giving a 4,000 I-Bond ON or about Feb 20, 2007 this case was dismissed for "NO" Probable Cause After 12 or 13th months of fighting this case. I was no longer able to pay my rent for my apartment so I lost it, 2. I was in custody for 21 days in violation of my Constitutional Rights, 3-I have to attend court for about a year or more before this case was dismissed.

4. The State retaining control over me until this case was dismissed on or about Feb. 20, 2007 in violation of my Fourth Amendment. I was scarcely at liberty, I remained apprehended, arrested in my movement, indeed "seized" for total, so long as I was bound to appear in court and answer the Defendant's charges.

5. While incarcerated I had to undergo scrubbing of the penis area, urine blood testing, sleeping on the floor, eating food that a dog wouldn't eat, being in the cell with two other detainees, being mistreated by staff and detainees.

The Defendant's has violated my Constitutional Rights under the 4-5-8-14 Amendment. 6- On September 27-2006 Plaintiff, was charged with a "Burglary" while waiting trial for the possession, Pcs. Plaintiff had to wait until his possession case was done before he can start preparing for his Burglary charge, which took 4-to-5 months. That would make the Plaintiff's time served for the possession charge almost 6 months, in violation of his Constitutional Rights under the 4-5-8-14, Amendment.

VI. Relief:

VI. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments.
Cite no cases or statutes.

I would like this Honorable Court, to make
the Defendant's pay for the pain and
suffering of the Plaintiff as well as
mental and emotional distress in the
sum of 350,000.00

CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this 24 day of Oct, 2007

[Signature]
(Signature of plaintiff or plaintiffs)

Larry Martin
(Print name)

206-007-5305
(I.D. Number)

P.O. Box 089002
Chicago, IL 60608
(Address)